



April 12, 2013

Marlene H. Dortch
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: *Vonage's Petition for Limited Waiver*, CC Docket No. 99-200, GN Docket No. 13-5

Dear Ms. Dortch:

On April 11, 2012, the undersigned of this firm, on behalf of Vonage, spoke to Michael Steffen, Legal Advisor to Chairman Genachowski, and, separately, with Dave Grimaldi, Legal Advisor to Commissioner Clyburn, to address concerns raised in the April 11, 2013 ex parte letter filed by NARUC and others.¹ This letter memorializes those conversations and responds to the NARUC Letter.

During those calls, I explained that Vonage is committed, and has been committed throughout this proceeding, to working with the states to address their concerns about direct access to numbers.² I noted that concerns raised in the letter have already been addressed in the record of this proceeding, and thus need not stand in the way of a narrow trial designed to evaluate the feasibility of direct access to numbers. Specifically:

- **Vonage Agrees: Number Recipients Should Recognize Numbering Authority Delegated to the States.**
 - Vonage is committed, and has been committed throughout this proceeding, to recognizing state authority over numbering resources and working closely with

¹ Letter from AARP, Common Cause, Consumer Federation of America, Consumers Union, Free Press, Public Knowledge, National Consumer Law Center on behalf of its low income clients, National Association of State Consumer Advocates, and National Association of Regulatory Utility Commissioners, to Chairman Genachowski, Commissioner Robert McDowell, Commissioner Mignon Clyburn, Commissioner Ajit Pai, and Commissioner Jessica Rosenworcel, CC Docket No. 99-200 (April 11, 2013) ("NARUC Letter").

² Letter from Brita D. Strandberg, Wiltshire & Grannis LLP, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 99-200, at 2 (May 7, 2012) ("May 7, 2012 Vonage Ex Parte") ("Vonage reiterates its commitment, made repeatedly in this proceeding, to comply with the numbering authority the FCC has delegated to the states.").

states to address their concerns.³ In fact, Vonage has agreed to substantially all conditions requested by NARUC and the states.⁴

- **Vonage Agrees: Direct Access Should Recognize State Number Exhaust Concerns.**

- Vonage does not seek access to any numbers *other than those it can access indirectly today*. Vonage has thus agreed to conditions suggested by states to address number and area code exhaust concerns.⁵ Vonage also believes any participant in a trial should work closely with relevant states to address those concerns.
 - Vonage expects that any trial would be narrowly limited to ensure that it does not provide access to numbers other than those available indirectly through CLECs today.
- Vonage has agreed to a very high level of number utilization—65 percent—as a condition of the waiver.⁶ In contrast, the CLECs from whom Vonage currently buys numbers are among the most inefficient users of numbers, with utilization averaging less than 35 percent.⁷

- **A Real-World Test Will Inform Reasoned Decisionmaking.**

- A narrow trial will test the feasibility of direct access and provide information about routing, porting, and intercarrier compensation that is critical to informed decisionmaking; it will not prejudice the rulemaking.
- The Commission has already sought multiple rounds of comment on waivers requested by Vonage and others, and is now seeking additional comment through an NPRM and real-world data through a narrow trial. The Commission is undoubtedly providing adequate process, and continues to gather information and invite comment to ensure that all interested parties have an opportunity to be heard. “Broad relief” is available only through that ongoing process.⁸

³ *Id.*

⁴ *Id.* at 2-5 (detailing Vonage’s support for conditions suggested by states and NARUC).

⁵ *Id.*

⁶ *Id.* at 7.

⁷ Letter from Brita D. Strandberg, Wiltshire & Grannis LLP, to Marlene H. Dortch, Secretary, FCC, CC Docket No. 99-200, at 5 (July 31, 2012).

⁸ *See* NARUC Letter at 2.

Marlene H. Dortch
April 12, 2013
Page 3 of 3

Vonage believes that a rulemaking granting it, and other interconnected VoIP providers, direct access to numbers will create enormous consumer benefits, by enabling lower-cost and higher-quality services and enabling future innovation. As the Commission considers these issues, however, it has wisely sought the benefit of real-world technical data. Vonage reiterates its support for the Commission's reasoned approach.

If you have any questions or need any additional information, please do not hesitate to contact the undersigned at (202) 730-1346 or bstrandberg@wiltshiregrannis.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'BDS' followed by a stylized flourish.

Brita D. Strandberg
Counsel to Vonage Holdings Corp.

cc: Chairman Julius Genachowski
Commissioner Robert McDowell
Commissioner Mignon Clyburn
Commissioner Ajit Pai
Commissioner Jessica Rosenworcel
Zachary Katz
Michael Steffen
Erin McGrath
Dave Grimaldi
Nicholas Degani
Priscilla Argeris
Julie Veatch
Lisa Gelb